STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

NBC

ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATING PETITIONS FOR THE OFFICES OF: MAYOR, CLERK AND TREASURER OF THE CITY OF CHICAGO; AND ALDERMAN IN THE CITY OF CHICAGO, FOR THE FEBRUARY 26, 1991 MUNICIPAL PRIMARY AND ALDERMANIC ELECTIONS.

IN RE: Objection of: Michael P. Garza
To the
Nominating Petition of: Joseph Blackmon

Candidate for the Office
of Alderman of the 10th Ward.

NO: 91-EB-ALD-10

DECISION

The duly constituted Electoral Board, consisting of MICHAEL J. HAMBLET, ARNETTE R. HUBBARD and RAYMOND L. JAGIELSKI, organized by law in response to a Call issued by MICHAEL J. HAMBLET, Chairman of said Electoral Board, for the purpose of hearing and passing upon Objections to Nominating Petitions for the Offices of Mayor, Clerk and Treasurer of the City of Chicago and Alderman in the City of Chicago, having convened on December 28th, 1990 at 10:00 a.m. in the City Council Chambers, City Hall, Chicago, Illinois; and having heard and determined the objections to the petition in the above entitled matter find that:

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;

2. Objections to the nominating petition of the candidate herein were duly filed;

3. A call to the hearing on said objections was duly issued and was served upon the members of the Electoral Board, the Objector and the Candidate by mail and by personal service as provided by statute;

4. A public hearing was held on these objections commencing on December 28th, 1990;

5. The following persons, among others, were present at such hearings: the members of the Electoral Board, the Objector by Counsel, and the Candidate and his Counsel;

6. The Board finds that the Objector failed to present any case or cite any statute that requires invalidating a Candidate's nominating papers solely because different forms of his name are used on his petition sheets and his Statement of Candidacy. The Objector also failed to present any testimony or other evidence to establish that there was , in fact, any confusion in the minds of the voters as to the individual on whose behalf they were signing up the petitions. Moreover, pursuant to Lewis v. Dunne, 344 N.E.ed 443 (1976) and Madison v. Sims, 6 Ill.App.3d 795, when read as a whole, the Candidate's nominating papers are sufficient at law.

IT IS THEREFORE ORDERED that the objections of Michael P. Garza to the nominating petition of Joseph Blackmon, candidate for election to the office of Alderman of the 10th Ward, are hereby overruled and said petition is hereby declared valid and the name of Joseph Blackmon, candidate for election to the office of Alderman of the 10th Ward, shall be printed on the ballot for the Aldermanic Election to be held on February 26th, 1991.

Dated: Chicago, Illinois, this 23rd day of January, 1991.

Michael J. Hamblet
MICHAEL J. HAMBLET, CHAIRMAN

Arnette R. Hubbard
ARNETTE R. HUBBARD, COMMISSIONER

Raymond L. Jagielski
RAYMOND L. JAGIELSKI, COMMISSIONER

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Chapter 46
Section 10-5
Illinois Revised Statutes

——ATTACH TO PETITION——

Business Records Corp 633

STATEMENT OF CANDIDACY
NONPARTISAN

NAME	ADDRESS--ZIP CODE	OFFICE	CITY OR DISTRICT
BLACKMON, J	2256 E. 96TH ST. 60617	ALDERMAN	CHICAGO, ILL.

STATE OF ILLINOIS
County of COOK } ss.

I, JOSEPH BLACKMON, being first duly sworn (or affirmed), say that I reside at 2256 E. 96TH Street, in the CITY (City or Village) of CHICAGO, Zip Code 60617 in the County of COOK, State of Illinois; that I am a qualified voter therein, that I am a candidate for ALDERMANIC (Nomination or Election) to the office of 10TH WARD ALDERMAN in the CITY OF CHICAGO (City, School, College or Special District), to be voted upon at the election to be held on the 26 day of FEBRUARY, 19 91; and that I am legally qualified to hold such office and that I have filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official ballot for 10TH WARD ALDERMAN (Nomination or Election) to such office.

Signed and sworn to (or affirmed) by Joseph Blackmon before me, this 13th day of December, 19 90.

Joseph Blackmon
(Signature of Candidate)

" OFFICIAL SEAL "
ANNA PRZYBYLA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10/16/91

Anna Przybyla
NOTARY PUBLIC

My commission expires: 10/16/91 (SEAL)

Rev. 7/87

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the fee charged plaintiff's children was not part of the price of, or payment for, instruction.

For the reasons stated the judgment of the appellate court is affirmed.

Judgment affirmed.



63 Ill.2d 48

Melvin B. LEWIS, Petitioner,

v.

Robert Jerome DUNNE et al., Respondents.

No. 48147.

Supreme Court of Illinois.

March 18, 1976.

Original proceeding was instituted on petition for writ of mandamus to compel electoral board to expunge its order sustaining objections to petitioner's nominating papers. The Supreme Court, Underwood, J., held that candidate for the office of judge of the Appellate Court, First Judicial District, substantially fulfilled statutory requirement that he set forth in his statement of candidacy "the office for which he is a candidate," notwithstanding his failure to specify the vacancy he was seeking in his statement of candidacy, where nominating papers, of which statement of candidacy was a part, clearly stated particular vacancy, and there was no conflict or inconsistency between description of office in petitions signed by electors and statement of candidacy.

Writ awarded.

1. Courts ⇐207.4(3)

Although original proceeding in Supreme Court for writ of mandamus was concerned primarily with whether electoral board that entered an order sustaining objection to nominating papers of petitioner was properly constituted, where determination of that issue would still leave the underlying substantive question of the validity of petitioner's nominating papers to be resolved either in a hearing for a newly constituted electoral board or by a further hearing in the circuit court in the pending review of the board's decision, and neither course could be completed sufficiently in advance of primary election, the Supreme Court determined to review the electoral board's decision on the substantive question. S.H.A. ch. 46, §§ 7–10, 10–9, 10–10, 10–10.1.

2. Elections ⇐141

Purpose of provision of Election Code prescribing form and content of nominating petitions for public office is to provide an orderly procedure whereby qualified person seeking public office may enter primary elections. S.H.A. ch. 46, § 7–10.

3. Elections ⇐144

The nominating petition signed by electors and the statement of candidacy sworn to by the prospective candidate for public office are each intended to serve particular purposes and, while their sufficiency must be determined with reference to the particular function each was designed to accomplish, it was not intended that for all purposes they should be considered separate and apart as if the other did not exist. S.H.A. ch. 46, §§ 7–10, 10–9.

4. Judges ⇐3

Candidate for the office of judge of the Appellate Court, First Judicial District, substantially fulfilled statutory requirement that he set forth in his statement of candidacy "the office for which he is a candidate," notwithstanding his failure to specify the vacancy he was seeking in his statement of candidacy, where nominating pa-

pers, of which the statement of candidacy was a part, clearly stated particular vacancy, and there was no conflict or inconsistency between description of office in petitions signed by electors and statement of candidacy. S.H.A. ch. 46, §§ 7–10, 10–9.

See publication Words and Phrases for other judicial constructions and definitions.

5. Elections ⇨144

Apparent purpose of requirement that a statement of candidacy be included as a part of candidate's nominating papers is to obtain a sworn statement from candidate establishing his qualifications to enter primary election for office he seeks. S.H.A. ch. 46, §§ 7–10, 10–9.

Melvin B. Lewis, pro se.

Andrew M. Raucci, Chicago, for respondents.

UNDERWOOD, Justice:

On December 29, 1975, the Cook County Officers Electoral Board entered an order sustaining certain objections to the nominating papers of petitioner, Melvin B. Lewis, who sought nomination in the March 16, 1976, primary election as the Democratic candidate for the office of judge of the Appellate Court, First Judicial District, to fill the vacancy created by the retirement of the Honorable Robert E. English. While review of that decision was pending in the circuit court of Cook County (Ill.Rev.Stat.1973, ch. 46, par. 10–10.1), petitioner was granted leave to file an original action in this court. On January 19, 1976, after hearing oral argument and upon consideration of the papers here on file, we determined the petition should be treated as one for a writ of *mandamus*. Considering the petition as such, we ordered that a writ of *mandamus* issue commanding the members of the Cook County Officers Electoral Board to expunge its order sustaining the objections to petitioner's nominating papers; to enter an order denying such objections; and to transmit to the State Board of Elections a certified copy of its ruling in the manner provided by section 10–10 of the Election Code (Ill.Rev.Stat.1973, ch. 46, par. 10–10). This opinion states the reasons for that order.

The nominating papers filed by petitioner with the State Board of Elections included petitions signed by Democratic Party primary electors requesting that his name appear on the ballot for the office in question, and a statement of candidacy sworn to by petitioner in which he confirmed various matters regarding his qualification for the office. The office for which the nominating papers were filed was described on the electors' petitions as "Judge of the Appellate Court of Illinois, First Judicial District, to fill the vacancy created by the retirement of the Honorable Robert E. English." The statement of candidacy, however, described the office as "Judge of the Appellate Court of Illinois, First Judicial District" without indicating the particular vacancy. The basis for the objections filed by respondent Michael J. Cunningham was that section 7–10 of the Election Code (Ill.Rev.Stat.1973, ch. 46, par. 7–10) requires that the specific vacancy be designated in the statement of candidacy as well as in the petitions signed by electors, and that petitioner's failure to do so rendered the nominating papers invalid.

[1] The matter was referred by the State Board of Elections to the Cook County Officers Electoral Board, which is designated by section 10–9 of the Election Code (Ill.Rev.Stat.1973, ch. 46, par. 10–9) as the body to hear and pass upon objections to nominating petitions under these circumstances. By a 2–1 decision, the board denied petitioner's motion to dismiss

for want of jurisdiction and entered an order sustaining the objections to his nominating papers. Although petitioner's suit in this court is concerned primarily with whether the electoral board was properly constituted, determination of that issue alone would still leave the underlying substantive question of the validity of petitioner's nominating papers to be resolved either in a hearing before a newly constituted electoral board or by a further hearing in the circuit court of Cook County in the pending review of the board's present decision. It is evident neither course could be completed sufficiently in advance of the primary election to allow petitioner a fair opportunity to conduct a campaign, should the substantive issue be decided in his favor. The materials on file in this court adequately present a very narrow and clearly defined question of statutory construction as to which the pertinent facts are not in dispute. Accordingly, in view of the desirability for prompt resolution of this matter, we decided the electoral board's decision on the substantive question should be reviewed here.

Among the various provisions of section 7–10 of the Election Code prescribing the form and content of nominating petitions for public office is the requirement that "[t]he name of no candidate for nomination * * * shall be printed upon the primary ballot unless a petition for nomination has been filed in his behalf as provided in this Article in substantially the following form:

> We, the undersigned, members of and affiliated with the ..... party and qualified primary electors of the ..... party, in the ..... of ....., in the county of ..... and State of Illinois, do hereby petition that the following named person or persons shall be a candidate or candidates of the ..... party for the nomination for * * * the office or offices hereinafter specified, to be voted for at the primary election to be held on the ..... day of ..... A.D. .....

Name	Office	Address
John Jones Thomas Smith	Governor Attorney General	Belvidere, Ill. Oakland, Ill.

> Name ..... Address ....."

The prescribed form of petition also contains a sworn certificate as to the genuineness of the signatures, party affiliation and correctness of residence of those signing the petition.

Section 7–10 further provides that "[e]ach petition shall include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified primary voter of the party to which the petition relates and is qualified for the office specified * * *, shall state that he has filed a statement of economic interests as required by the Illinois Governmental Ethics Act, shall request that the candidate's name be placed upon the official ballot, and shall be subscribed and sworn to by

such candidate before some officer authorized to take acknowledgment of deeds in the State and shall be in substantially the following form:

Statement of Candidacy

Name	Address	Office	District	Party
John Jones	102 Main St. Belvidere, Illinois	Governor	Statewide	Republican

State of Illinois }
County of ..... } ss.

I, ..., being first duly sworn, say that I reside at ..... Street in the city (or village) of ..... in the county of ..... State of Illinois; that I am a qualified voter therein and am a qualified primary voter of the ..... party; that I am a candidate for nomination * * * to the office of ..... to be voted upon at the primary election to be held on the ..... day of ..... A.D. ....; that I am legally qualified (including being the holder of any license that may be an eligibility requirement for the office I seek the nomination for) to hold such office and that I have filed a statement of economic interests as required by the Illinois Governmental Ethics Act and I hereby request that my name be printed upon the official primary ballot for nomination for * * * such office.

Signed .....

Subscribed and sworn to (or affirmed) before me by ....., who is to me personally known, this ..... day of ..... A.D. 19....

Signed .....
(Official Character)

(Seal, if officer has one.)"

[2, 3] The general purpose of section 7–10 and related provisions of the Election Code is to provide an orderly procedure whereby qualified persons seeking public office may enter primary elections. The petitions signed by electors and the statement of candidacy sworn to by the prospective candidate are each intended to serve particular purposes in this regard. While their sufficiency must be determined with reference to the particular function each was designed to accomplish, it was not intended that for all purposes they should be considered separate and apart as if the other did not exist. To the contrary, section 7–10 provides that nominating petitions shall include a statement of candidacy "as a part thereof."

[4] We do not agree with the electoral board's determination that petitioner's failure to specify the vacancy in the statement

of candidacy rendered his nominating papers invalid. Those papers, of which the statement of candidacy was a part, clearly stated the particular vacancy. There was no conflict or inconsistency between the description of the office in the petitions signed by electors and the statement of candidacy, and in our opinion there was no basis for confusion as to the office for which the nominating papers were filed. The State Board of Elections and the Cook County Officers Electoral Board obviously had no difficulty in ascertaining that petitioner was seeking nomination for the office of judge of the Appellate Court, First Judicial District, to fill the vacancy created by the retirement of the Honorable Robert E. English.

[5] The apparent purpose of the requirement that a statement of candidacy be included as a part of a candidate's nominating papers is to obtain a sworn statement from the candidate establishing his qualifications to enter the primary election for the office he seeks. In this respect, we perceive no difference in the qualifications for "Judge of the Appellate Court, First Judicial District," and "Judge of the Appellate Court, First Judicial District, to fill the vacancy created by the retirement of the Honorable Robert E. English." In our judgment, petitioner substantially complied with the provisions of section 7–10 which require that the statement of candidacy set out "the office for which he is a candidate," and we hold that the decision of the Cook County Officers Electoral Board to the contrary was in error.

In view of the foregoing determinations, it is unnecessary to consider the questions raised by petitioner concerning the composition of the electoral board.

For these reasons, the writ of *mandamus* was awarded.

Writ awarded.

63 Ill.2d 71

Thelma L. CESSNA, Appellee,

v.

Raymond MONTGOMERY, Appellant.

Donna MALONE, Appellant,

v.

McCarthy DUNLAP, Appellee.

Nos. 47738 and 48002.

Supreme Court of Illinois.

March 18, 1976.

Actions were brought by mothers seeking to establish paternity of illegitimate children. One was dismissed by the Circuit Court, Lawrence County, Philip Benefiel, J., and the Appellate Court, Fifth District, reversed and remanded, 28 Ill.App.3d 887, 329 N.E.2d 861. The appeal was consolidated with one transferred from the Appellate Court, Fifth District, on appeal from the Circuit Court of Lawrence County, Irwin Cohen, J. The Supreme Court, Underwood, J., held that the two-year limitation upon the institution of paternity suits is valid, but that a putative father may be estopped from asserting it.

One case reversed and remanded, the other vacated and remanded.

1. Constitutional Law ⇐308

Test of whether substantive due process was violated by statute, imposing time limitation for establishing paternity was whether statute was reasonable after evaluating competing interests; it was necessary to ask what legitimate state interests were promoted by the statute, and what fundamental personal rights might be endangered by it. S.H.A. ch. 106¾, §§ 52, 54.

2. Action ⇐63

State has legitimate interest in preventing litigation of stale or fraudulent claims. S.H.A. ch. 106¾, § 54.